

AMENDED IN SENATE JULY 15, 2009

AMENDED IN SENATE JUNE 26, 2009

AMENDED IN ASSEMBLY MAY 7, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1184

Introduced by Assembly Member Adams

February 27, 2009

An act to amend Section 2872 of the Public Utilities Code, relating to telecommunications, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1184, as amended, Adams. Automatic dialing-announcing devices: governmental officials.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including telephone corporations, as defined. Existing law authorizes the commission to control and regulate the use of automatic dialing-announcing devices, which are automatic equipment that incorporate a storage capability of telephone numbers to be called or a random or sequential number generator capable of producing numbers to be called and that is capable, working alone or in conjunction with other equipment, to disseminate a prerecorded message to the telephone number being called. Existing law, with specified exceptions, prohibits the use of automatic dialing-announcing devices.

This bill would also exempt from the above prohibition the use of automatic dialing-announcing devices by a state or local ~~governmental~~ *public official, as defined*, for a governmental purpose, *and would*

require the commission to determine what is not a governmental purpose for purposes of this provision.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2872 of the Public Utilities Code is
2 amended to read:

3 2872. (a) The connection of automatic dialing-announcing
4 devices to a telephone line is subject to this article and to the
5 jurisdiction, control, and regulation of the commission.

6 (b) No person shall operate an automatic dialing-announcing
7 device except in accordance with this article. The use of such a
8 device by any person, either individually or acting as an officer,
9 agent, or employee of a person or corporation operating automatic
10 dialing-announcing devices, is subject to this article.

11 (c) No person shall operate an automatic dialing-announcing
12 device in this state to place a call that is received by a telephone
13 in this state during the hours between 9 p.m. and 9 a.m. California
14 time.

15 (d) This article does not prohibit the use of an automatic
16 dialing-announcing device by any person exclusively on behalf of
17 any of the following:

18 (1) A school for purposes of contacting parents or guardians of
19 pupils regarding attendance.

20 (2) An exempt organization under the Bank and Corporation
21 Tax Law (Part 11 (commencing with Section 23001) of Division
22 2 of the Revenue and Taxation Code) for purposes of contacting
23 its members.

24 (3) A privately owned or publicly owned cable television system
25 for purposes of contacting customers or subscribers regarding the
26 previously arranged installation of facilities on the premises of the
27 customer or subscriber.

28 (4) A privately owned or publicly owned public utility for
29 purposes of contacting customers or subscribers regarding the
30 previously arranged installation of facilities on the premises of the
31 customer or subscriber or for purposes of contacting employees

1 for emergency actions or repairs required for public safety or to
2 restore services.

3 (5) A petroleum refinery, chemical processing plant, or nuclear
4 powerplant for purposes of advising residents, public service
5 agencies, and the news media in its vicinity of an actual or potential
6 life-threatening emergency.

7 (6) A state or local ~~governmental official~~ *public official, as*
8 *defined in Section 82048 of the Government Code*, for a
9 governmental purpose. *The commission shall determine what is*
10 *not a governmental purpose.*

11 (e) This article does not prohibit law enforcement agencies, fire
12 protection agencies, public health agencies, public environmental
13 health agencies, city or county emergency services planning
14 agencies, or any private for-profit agency operating under contract
15 with, and at the direction of, one or more of these agencies, from
16 placing calls through automatic dialing-announcing devices, if
17 those devices are used for any of the following purposes:

18 (1) Providing public service information relating to public safety.

19 (2) Providing information concerning police or fire emergencies.

20 (3) Providing warnings of impending or threatened emergencies.

21 These calls shall not be subject to Section 2874.

22 (f) This article does not apply to any automatic
23 dialing-announcing device that is not used to randomly or
24 sequentially dial telephone numbers but that is used solely to
25 transmit a message to an established business associate, customer,
26 or other person having an established relationship with the person
27 using the automatic dialing-announcing device to transmit the
28 message, or to any call generated at the request of the recipient.

29 (g) The commission may determine any question of fact arising
30 under this section.

31 SEC. 2. This act is an urgency statute necessary for the
32 immediate preservation of the public peace, health, or safety within
33 the meaning of Article IV of the Constitution and shall go into
34 immediate effect. The facts constituting the necessity are:

35 In order to allow government officials to more effectively
36 communicate important information to the public for government
37 purposes as soon as possible, it is necessary that this act take effect
38 immediately.

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